

REMARKS/ARGUMENTS

This is a Request for Continued Examination.

Amendments

Claims 1-13 have been cancelled. Claims 14-33 are newly presented.

Support for newly presented independent claim 14 is found in original claim 1, original claim 7, and on page 5, lines 16-19. Support for newly presented claim 15 is found in original claim 3. Support for newly presented claim 16 is found on page 4, lines 4-7. Support for newly presented claim 17 is found on page 7, lines 10-14; original claim 8; and page 8, lines 12-15. Support for newly presented claim 18 is found in original claim 9. Support for newly presented claim 19 is found in original claim 1 and on page 3, lines 22-23. Support for newly presented claim 20 is found on page 4, lines 4-7. Support for newly presented claim 21 is found in original claim 4. Support for newly presented claim 22 is found in original claim 5. Support for newly presented claim 23 is found in original claim 10. Support for newly presented claim 24 is found in original claim 11. Support for newly presented claim 25 is found in original claim 12. Support for newly presented claim 26 is found on page 9, line 1.

Support for newly presented independent claim 27 is found in original claims 1 and 7, page 4, lines 4-7, and page 5, lines 16-19. Support for newly presented claim 28 is found on page 7, lines 10-14; original claim 8; and page 8, lines 12-15. Support for newly presented claim 29 is found in original claim 9. Support for newly presented claim 30 is found in original claim 1 and on page 3, lines 22-23. Support for newly presented claim 31 is found in original claim 4. Support for newly presented claim 32 is found in original claim 10. Support for newly presented claim 33 is found on page 9, line 1.

It is submitted that no new matter is introduced by these new claims.

Rejection under 35 USC 103

In the previous Office action, claims 1-13 were rejected as unpatentable over Henry, U.S. Patent 3,929,617. Newly presented independent claims 14 and 27 each recite that "the lube oil distillate comprises 25 to 80% of the aromatic material."

Applicants' claims recite extraction of a lube oil distillate that comprises 25 to 80% aromatic material. Henry discloses extraction of a hydrocracked feedstock. See, for example Henry, column 2, lines 47-54. As is well known to those skilled in the art, hydrocrackates, which are formed by passing a feedstock over hydrogen in the presence of catalyst (*Id.*), are low in aromatic material. Thus, the person of ordinary skill in the art, having the advantage of the teaching of Henry, would not expect the process disclosed by Henry to have a high probability of success for lube oil distillates with 25 to 80% aromatic material. At best, the process is "obvious to try," but the Federal Circuit has held that "obvious to try" is not the same as obviousness under 35 U.S.C. 103(a).

Conclusion

It is respectfully submitted that the claims are in condition for immediate allowance and a notice to this effect is earnestly solicited. The Examiner is invited to phone applicants' attorney if it is believed that a telephonic or personal interview would expedite prosecution of the application.

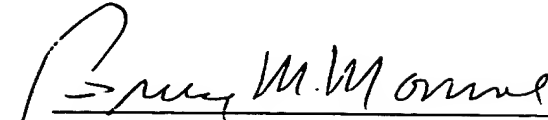
Extension of Time

A check for a two-month Extension of Time accompanies this response.

Appln. No.: 09/871,077
Amendment Dated June 23, 2003
Reply to Office Action of January 21, 2003

KUM-104US

Respectfully submitted,



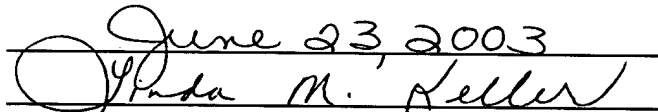
Allan Ratner, Reg. No. 19,717
Bruce M. Monroe, Reg. No. 33,602
Attorneys for Applicants

Dated: June 23, 2003

P.O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

The Commissioner for Patents is hereby
authorized to charge payment to Deposit
Account No. **18-0350** of any fees associated
with this communication.

I hereby certify that this correspondence is being
deposited with the United States Postal Service as first
class mail, with sufficient postage, in an envelope
addressed to: Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on:

June 23, 2003


B:\FS_MAIN\CLTDATA\CLIENT\KUM\104US\AMEND02.DOC